

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2008-006779-001 DT

09/18/2009

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT  
S. LaMarsh  
Deputy

STATE OF ARIZONA

MANUEL DESI RUBALCABA

v.

RUDY ANDREW GARZA (001)  
DOB: November 5, 1989

MARIA L SCHAFFER

APO-SENTENCE IMPRISON-CCC  
APPEALS-CCC  
AZ DOC  
DISPOSITION CLERK-CSC  
VICTIM SERVICES DIV-CA-CCC

SENTENCE OF IMPRISONMENT

9:14 a.m.

Courtroom 413 ECB

State's Attorney:	Manuel Desi Rubalcaba
Defendant's Attorney:	Maria Schaffer
Defendant:	Present
Court Reporter:	Cindy Benner

Count(s) 2 and 3: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 2: (Amended) Second Degree Murder

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2008-006779-001 DT

09/18/2009

Class 1 Dangerous Felony

A.R.S. § 13-1101, 1104, 301, 302, 303, 304, 610, 604, 710, 702, 702.01 and 801

Date of Offense: March 6, 2008

Dangerous pursuant to A.R.S. § 13-604 - Non Repetitive

OFFENSE: Count 3: (Amended) Conspiracy to Commit Drive By Shooting

Class 2 Felony

A.R.S. § 13-1209, 1003, 301, 302, 303, 304, 604, 610, 701, 702, 702.01 and 801

Date of Offense: March 6, 2008

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 2: 22 year(s) from September 18, 2009 (FLAT TIME)

Presentence Incarceration Credit: 560 day(s)

Aggravated

Count 3: 5 year(s) to begin after release from Count 2

Presentence Incarceration Credit: 0 day(s)

Presumptive

This sentence is to be consecutive to Count 2.

Community Supervision: Count 2 - Imposed pursuant to A.R.S. § 13-603(I).

Community Supervision: Count 3 - Imposed pursuant to A.R.S. § 13-603(I).

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

IT IS ORDERED granting the Motion To Dismiss the following: Count 1.

The Court will retain jurisdiction for any future restitution hearings. Defendant's presence is waived.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2008-006779-001 DT

09/18/2009

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

9:20 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2008-006779-001 DT

09/18/2009

Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE PAUL J. MCMURDIE  
JUDGE OF THE SUPERIOR COURT

(thumbprint)